

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

ROBERT SAMUEL,

Petitioner,

v.

WARDEN,

Respondent.

CAUSE NO. 3:25-CV-222-CCB-SJF

OPINION AND ORDER

Robert Samuel, a prisoner without a lawyer, filed a habeas corpus petition challenging the prison disciplinary hearing (MCF-24-7-2916) at the Miami Correctional Facility in which a disciplinary hearing officer (DHO) found him guilty of conspiracy in violation of Indiana Department of Correction Offense 111. Following a hearing, he was sanctioned with a loss of ninety days earned credit time.

In the pending motion to dismiss, the Warden argues that this case is moot because the Indiana Department of Correction vacated the sanctions and set the disciplinary case for a rehearing. ECF 5. The Warden supports this argument with a letter from the Appeal Review Officer and sentence calculation printouts. ECF 5-1; ECF 5-2. Consequently, the court finds that the claims raised in the petition are moot. *See Hadley v. Holmes*, 341 F.3d 661, 664 (7th Cir. 2003) (prisoner can challenge prison disciplinary determination in habeas proceeding only when it resulted in a sanction that lengthened the duration of his confinement). Because the claims are moot, the court grants the motion and dismisses the habeas petition.

If Samuel wants to appeal this decision, he does not need a certificate of appealability because he is challenging a prison disciplinary proceeding. *See Evans v. Circuit Court*, 569 F.3d 665, 666 (7th Cir. 2009). However, he may not proceed in forma pauperis on appeal because the court finds pursuant to 28 U.S.C. § 1915(a)(3) that an appeal in this case could not be taken in good faith.

For these reasons, the court:

- (1) **GRANTS** the motion to dismiss (ECF 5);
- (2) **DIRECTS** the clerk to enter judgment and to close this case; and
- (3) **DENIES** Robert Samuel leave to proceed in forma pauperis on appeal.

SO ORDERED on June 25, 2025.

/s/ Cristal C. Brisco
CRISTAL C. BRISCO, JUDGE
UNITED STATES DISTRICT COURT